REMARKS

Claim 1 has been amended so as to more distinctly define the invention and distinguish it over the cited prior art.

It is noted that, in the amended claim1, the blood compatible compounds have been named in accordance with the IUPAC convention nomenclature of copolymers with P(AN-co-NVP) for ANNVP and P(AN-co – APMA) for ANAPMA. They include for the blood compatible compounds: ANNVP 20, ANAPMA, ANNVP 20+ANAPMA, ANNVP 20 + AN, ANAPMA + AN, ANNVP 20 + ANAPMA + AN and for the tissue compatible compounds: ANNVP 5 and ANNVP 5 + AN, however in no case AN alone.

The given range values are disclosed in the description of the application.

The values 6.1 mol- % for ANNVP 5, 18.0 mol-% for ANNVP 20 and 3,8 mol-% for ANAPMA are disclosed in the table on pages 9, 10.

On page 10 of the description reference is made in this connection to DE 100 30 307.2, in which the values 4.8 mol-% and 20.9 mol-% NVP for ANNVP 5 and ANNVP 20 are given.

These range values correspond to the variations that may actually occur during the manufacture of the co-polymers. It is known to the person skilled in the art that a synthesis of copolymers with a certain preparation of various monomers provides for a certain range in the end product.

It is noted that, with a mixture for producing ANNVP 5 with 2 mol-% NVP for forming in the copolymer, values of 4.8 to 6.1 mol-% of AVP were obtained in the resulting copolymer. This means that NVP is accumulated during copolymerization. With a preparation of 9.9 mol-% NVP in the initial mixture, a variation range of between 18.0 and 20.9 mol-% NVP was obtained in the resulting copolymer. On average, the NVP parts then are at about 5 and, respectively, 20 mol-% ANNVP. This then was shortened with ANNVP 5 and ANNVP 20.

The Examiner has cited Koros (US 5 599 380) and again Maeda et al. (US 5 707 522) and has rejected claims 1 – 11 as being obvious from these two references. The Examiner alleges that Koros discloses the method according to the invention and Maeda et al. discloses the material formed, that is the extrusion of a polyacrylnitrile copolymer two-layer membrane.

Maeda et al. discloses in the examples 1 to 3 and the comparison examples 1 and 2 copolymers with components of AN and NVP between 100 : 0 and 89 : 11 (col. 8. table 1). This

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corresponds to 0 to 11 mol-%. The copolymer from the comparison example however could not be examined. A heparinized copolymer from AN and APMA is not disclosed in Maeda et al.

A material corresponding to ANNVP 20 or, respectively, the P(AN-co-NVP) with a component of NVP between 18.0 and 20.9 mol-% is not suggested by Maeda et al. Such a high percentage of an NVP content made it impossible in Maeda et al. to analyze the membranes. Furthermore, it can be gathered from the table 1 that the separation factor α decreases logarithmically together with the content of NVP. With an NVP content of 20 mol-% according to Maeda et al. the separation factor would therefore be so low, that the membrane would no longer be suitable for separation purposes. Consequently, Maeda et al. would lead a person skilled in the art away from the invention as defined in claim 1 of the present application, that is, it would certainly not render the invention as defined in claim 1 obvious as alleged by the Examiner. It is therefore believed that the Examiners rejection of claim 1 of the present application is based on an incorrect allegation und it is therefore respectfully requested to reconsider the rejection of claim 1 as being obvious in the light of the cited prior art.

Claims 2 -11 are directed to features considered to be advantageous in connection with the method as defined in claim 1. They are all dependent on claim 1 and, consequently, include all the features of claim 1. They should therefore be patentable already for that reason.

Reconsideration of the dependent claims 2 – 11 is requested and allowance of claims 1-11 is solicited.

Respectfully submitted,

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